

USDOL/OALJ Reporter

[*Simmons v. Fluor Constructors, Inc.*](#), 88-ERA-28 and 30 (Sec'y June 28, 1991)

Go to: [Law Library Directory](#) | [Whistleblower Collection Directory](#) | [Search Form](#) | [Citation Guidelines](#)

U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

DATE: JUN 28 1991
CASE NOS. 88-ERA-28, 88-ERA-30

IN THE MATTER OF

FLOYD M. SIMMONS AND LARRY D. SIMMONS,
COMPLAINANTS,

v.

FLUOR CONSTRUCTORS, INC.,
RESPONDENT.

CASE NOS. 89-ERA-28, 89-ERA-29

IN THE MATTER OF

FLOYD (MITCHELL) SIMMONS AND LARRY SIMMONS
COMPLAINANTS,

v.

FLORIDA POWER CORPORATION AND
FLUOR CONSTRUCTORS, INC.,
RESPONDENTS.

BEFORE: THE SECRETARY OF LABOR

ORDER APPROVING SETTLEMENT AGREEMENT
AND DISMISSING COMPLAINT

The captioned cases, which are before me for review, arise under the employee protection provision of the Energy Reorganization Act of 1974, as amended (ERA), 42 U.S.C. § 5851 (1988). On June 20, 1991, the parties in the captioned cases filed a Joint Motion for Approval of Settlement and Dismissal of Proceedings together with a Settlement Agreement In Full and Final Release of All Claims. These documents have been reviewed to determine whether their terms comprise a fair, adequate, and reasonable settlement of the complaints in these cases.

Paragraphs 4, 5, 9 and 10 of the Settlement Agreement may encompass matters arising under laws other than Section 210 of the ERA, pursuant to which the complaints in these cases were brought. My authority is limited to matters arising under the ERA, *see Goese v. EBASCO Services, Inc.*, Case No. 88-ERA-25, Sec. Order, Dec. 8, 1988, slip op. at 1-2; *Poulos v. Ambassador Fuel Oil Co., Inc.*, Case No. 86-CAA-1, Sec. Order, Nov. 2, 1987, slip op. at 2 and cases cited therein, and I thus have limited my review to determining whether the filings represent an acceptable settlement of Complainants' claims that Respondents violated the ERA.

Upon consideration, I find the terms and conditions of settlement to be fair, adequate, and reasonable and, therefore, approve the Settlement Agreement.

Accordingly, the complaints in the captioned cases are dismissed with prejudice.

SO ORDERED.

LYNN MARTIN
Secretary of Labor

Washington, D.C.